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Attorneys for Defendant County of Stanislaus

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

NICHOLAS HONCHARIW, Trustee,
Honchariw Family Trust,

Plaintiff,

v.

COUNTY OF STANISLAUS,

Defendant.

Case No. 1:21-cv-00801-SKO

**STIPULATION TO EXTEND TIME TO
RESPOND TO FIRST AMENDED
COMPLAINT; ORDER**

1 WHEREAS, Defendant County of Stanislaus removed this action to the United States
2 District Court for the Eastern District of California on May 17, 2021 (Dkt. 1);

3 WHEREAS, the County filed a motion to dismiss the then-operative supplemental and
4 amended complaint under Rule 12(b)(6) on December 3, 2021 (Dkt. 15);

5 WHEREAS, this Court granted the County's motion to dismiss on November 7, 2022 and
6 gave Plaintiff Nicholas Honchariw leave to amend his second and third causes of action (Dkt.
7 29);

8 WHEREAS, Plaintiff filed his First Amended Complaint on November 28, 2022 (Dkt.
9 30);

10 WHEREAS, the deadline for the County's responsive pleading is currently December 12,
11 2022;

12 WHEREAS, the County intends to file a motion to dismiss the First Amended Complaint;
13 and

14 WHEREAS, in light of scheduling conflicts and the upcoming winter holidays, the
15 parties wish to stipulate to a schedule for the County's motion different from the default
16 schedule established by the Federal Rules of Civil Procedure and the Court's local rules;

17 NOW, THEREFORE, the parties hereby stipulate as follows and accordingly request that
18 the Court enter the [Proposed] Order set forth below:

19 1. The time for the County to file and serve its motion to dismiss or other responsive
20 pleading shall be extended to December 23, 2022.

21 2. Plaintiff's brief in opposition to a motion to dismiss shall be filed and served by
22 January 20, 2023.

23 3. The County's reply brief in support of a motion to dismiss shall be filed and
24 served by February 3, 2023.

25 4. The County shall notice the hearing on its motion to dismiss for February 15, 2023
26 or such other date as the Court may order.

1 DATED: November 30, 2022

SHUTE, MIHALY & WEINBERGER LLP
THOMAS BOZE, COUNTY COUNSEL

3 By: /s/Matthew D. Zinn

4 MATTHEW D. ZINN

5 Attorneys for Defendant County of Stanislaus

7 DATED: November 30, 2022

NICHOLAS HONCHARIW, TRUSTEE,
HONCHARIW FAMILY TRUST

9 By: /s/Nicholas Honchariw (authorized 11/30/22)

10 NICHOLAS HONCHARIW

11 Attorney for Plaintiff

14 **ORDER**

15 For good cause shown, it is HEREBY ORDERED that the time for the County to file its
16 motion to dismiss or other responsive pleading shall be extended to December 23, 2022.
17 Plaintiff's opposition brief shall be due on January 20, 2023. The County's reply brief shall be
18 due on February 3, 2023. The hearing on the County's motion shall be held on March 8, 2023, at
19 9:30 a.m., unless the Court subsequently determines that a hearing is unnecessary.

20
21 IT IS SO ORDERED.

22 Dated: **December 1, 2022**

/s/ Sheila K. Oberto

23 UNITED STATES MAGISTRATE JUDGE